

Abstract

The title of my Master's degree thesis is "Proceedings relating to decedent's estate". I have chosen this topic because of many reasons. Although it is a traditional institute of civil procedure law, the topic is still very actual with regard to the new legislation in the Act No. 89/2012 Coll., The Civil Code, which was a significant extension of inheritance law, and the related procedural legislation in the Act No. 292/2013 Coll., on special judicial proceedings. Another reason is that I find this topic interesting, mainly because of its complexity and significant blending of procedural and substantive legislation. Since participation in inheritance proceeding is an inevitable issue in person's life, I wanted to extend my knowledge of the new legislation. Moreover I find this topic wrongfully overlooked in advocacy, to which I would like to head after graduation.

The aim of the thesis is to describe the course of proceedings relating to decedent's estate and to show the different stages of the procedure and also include important substantive aspects and institutes which affect this procedure in the extent necessary. With regard to the adoption of new legislation I tried to highlight the most important changes and differences between the new legislation and legislation effective until 31. 12. 2013, mainly concerning new and old-new institutes of inheritance law and inheritance proceedings.

Except for the introduction and conclusion the thesis is composed of two main parts, first of them is devoted to the proceedings relating to decedent's estate and consists of five chapters.

The first chapter deals with necessary general aspects of inheritance proceedings, consists of subchapters about history, legislation, characteristics and function of undisputed proceedings and also inheritance proceedings itself. Following subchapters are devoted to the subjects of proceedings – courts, parties of the proceedings and notaries as judicial commissioners. The last subchapter concerns the costs of the proceedings.

The second chapter is dedicated to the course of proceedings relating to decedent's estate itself under the new legislation effective from 1. 1. 2014 and it is the pivotal part of the thesis. It consists of subchapters concerning initiation of proceedings

and notary commission, phase of preliminary investigation, possible stop of the proceedings, issue of administration of the estate, joint property of spouses, detecting heirs and extent of the estate and finally of course the hearing in proceedings relating to decedent's estate.

Next chapters concern the judicial decision in the proceedings and legal remedies. Last chapter of this part of the thesis deals with the situation when subsequently proved property which also belongs to the estate appears after a final termination of the proceedings.

I decided to devote the second part of the thesis to the estate liquidation as a selected issue of proceedings relating to decedent's estate because its legislation has been significantly extended. Moreover I consider this issue very actual considering increasing indebtedness of the Czech society.